

UNITED STATES COPYRIGHT ROYALTY JUDGES

In the Matter of

Distribution of 1999 through 2000
Satellite Royalty Funds

Docket No. 2008-5 CRB SD 1999-2000

In the Matter of

Distribution of 2001, 2002 and
2003 Satellite Royalty Funds


Docket No. 2005-2 CRB SD 2001-2003

**ORDER DENYING CERTAIN CLAIMANTS MOTION TO INITIATE A
COLLATERAL PROCEEDING OR, IN THE ALTERNATIVE,
TO MAKE A FURTHER DISTRIBUTION OF ROYALTIES
PURSUANT TO SECTION 801(b)(3)(C) OF THE COPYRIGHT ACT**

On December 29, 2008, a group of Phase I Claimants ("Phase I Claimants") filed with the Copyright Royalty Judges ("Judges") the motion that is the subject of this order. The purpose of the Phase I Claimants' request was to require the Independent Producers Group ("IPG") to demonstrate, either in a collateral proceeding under Section 803(a)(2) of the Copyright Act or in response to a notice of further distribution under Section 801(b)(3)(C), that IPG is entitled to receive some portion of the 1999-2003 satellite royalties and that IPG has a reasonable basis for objecting to the global Phase I settlement. However, the 1999 Satellite Royalty Funds were, in part, the subject of a settlement agreement reached between IPG, the Motion Picture Association of America, Inc. and the Librarian of Congress in March 2004 that has since been challenged by IPG in two lawsuits in California state court (one of which has been removed to federal court). Therefore, in the interests of judicial comity, we recognize the need to defer to other forums to resolve the matters presented in the IPG lawsuits. Indeed, we have previously recognized this need to defer by granting a motion to stay the proceeding with respect to the 1999 cable distributions that are the subject of the same challenged settlement agreement. See *Order Granting Motions To Stay*, Docket No. 2008-1 CRB CD 98-99 (July 23, 2008).

Wherefore, **IT IS ORDERED** that the Motion of Phase I Claimants **IS DENIED**.

SO ORDERED.


James Scott Sledge
Chief U.S. Copyright Royalty Judge

DATED: March 23, 2010